

**IN THE UNITED STATES DISTRICT COURT
OF THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

UNITED STATES OF AMERICA *ex rel.* §

SHEILA BELL-MESSIER §

Plaintiffs §

V. §

No. 5:04CV75

ROTECH HEALTHCARE, INC., §

INTEGRATED HEALTH SERVICES, §

INC., RHEMA, IN., ROTH MEDICAL, §

INC., and ZETA HOME HEALTH §

CARE, INC., d/b/a TAYLOR HOME §

HEALTH SUPPLY, §

Defendants §

MEMORANDUM ORDER

The above-entitled and numbered civil action was heretofore referred to United States Magistrate Judge Caroline M. Craven pursuant to 28 U.S.C. § 636. The Report of the Magistrate Judge which contains her proposed findings of fact and recommendations for the disposition of such action has been presented for consideration. No objections were filed to the Report and Recommendation. The Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct. Therefore, the Court hereby adopts the Report of the United States Magistrate Judge as the findings and conclusions of this Court. Accordingly, it is hereby

ORDERED that Defendants' Motion to Dismiss Plaintiffs' First Amended Complaint (Dkt. No. 20) is **DENIED**. It is further

ORDERED that within thirty days from the date of entry of this Order, Bell shall amend her Complaint, adding more specific allegations regarding what she saw while conducting an internal audit of billings and related patient files.

SIGNED this 26th day of January, 2006.



DAVID FOLSOM

UNITED STATES DISTRICT JUDGE